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Before the
Federal Communications Commission
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
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In the Matter of

Computer III Further Remand
Proceedings: Bell Operating
Company Provision of Enhanced
Services

CC Docket No. 95-20

1998 Biennial Regulatory Review --
Review of *Computer III* and ONA
Safeguards and Requirements

CC Docket No. 98-10

BELLSOUTH REPLY COMMENTS

BellSouth Corporation, on behalf of BellSouth Telecommunications, Inc. ("BellSouth"), submits this Reply in response to comments¹ filed on the Petition for Reconsideration and Clarification of the Commercial Internet eXchange Association ("CIX") in the above referenced proceeding. Bell Atlantic and SBC have shown that CIX's petition amounts to little more than a request for greater regulatory micromanagement of Bell Operating Companies' ("BOCs") administrative practices with no evidence of need for such regulation. Accordingly, BellSouth agrees that CIX's petition should be dismissed.

Bell Atlantic is correct in pointing out that CIX has provided no information to support its suggestion that its ISP constituents are unable to get information they need regarding BOCs'

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¹ Comments were filed by the Bell Atlantic telephone companies ("Bell Atlantic") and by SBC Communications Inc. ("SBC").

ADSL offerings on a timely basis.² Indeed, apparently much like SBC,³ BellSouth has developed several means by which ISPs can obtain information on whether specific loops qualify for BellSouth's ADSL service. Specifically, ISPs can obtain this information through e-mail requests, via monthly bulk loop qualification lists, or through a proprietary web interface. Thus, there is simply no need to impose a regulatory obligation to provide the information that is already available to ISPs.

If the Commission nevertheless concludes that it should impose such a mandate, which it should not, the Commission must remain mindful that the information is competitively sensitive and must be afforded adequate protections. For example, BellSouth competes with CLECs to provide advanced broadband services such as ADSL to ISPs and their customers. The information that BellSouth shares with ISPs to facilitate their purchase of ADSL services from BellSouth is information that should not be routinely accessible by CLECs. Accordingly, the loop qualification information BellSouth shares with ISPs is provided to them subject to appropriate use and disclosure restrictions. These restrictions insure that the information is used solely to support the ISP's sales of its services using BellSouth's ADSL service and is not shared with persons, whether affiliated with the ISP or not, involved in the planning, development, or delivery of competing ADSL offerings. Loop qualification information disclosure mandates adopted herein, if any, must continue to allow for such protections.

CIX's request that previously approved CEI plans be posted on BOCs' web sites is similarly deficient of any showing that the relevant information is unavailable. As SBC notes, the plans and all supporting documentation, comments and replies, and Commission decisions

² Bell Atlantic Comments at 2.

³ SBC Comments at 1.

are all publicly available documents.⁴ CIX has made no claim that it is unable to obtain these materials.

Moreover, with the Commission already having determined that previously approved plans meet the Commission's CEI requirements, there is little legitimate interest that other ISPs have in such plans, other than the availability of the underlying tariffed services. At least in BellSouth's case, however, all relevant tariff information is already available through BellSouth's web site. In contrast, to the extent ISPs are merely interested in information on the competitive enhanced services the BOCs are providing using those tariffed services, the Commission has already determined that such information is included in the plans solely for the benefit of the Commission, not competitors.⁵ Accordingly, CIX has little "standing" to demand that such information be provided to it.

Nonetheless, of course, such documents are in the public domain and CIX's members have various means to obtain access to them, even if they were refused access by a BOC (which CIX has never suggested has occurred). Indeed, if a BOC were inundated with requests for previously approved plans, the BOC may choose for its own administrative convenience to post its plans, as well as any other information it may deem relevant. But, the administrative decisions must be the BOCs'. CIX's request for regulatory intervention in the absence of a problem is precisely the type of regulation the Commission should be seeking to avoid.

⁴ SBC Comments at 2.

⁵ *BellSouth Plan for Comparably Efficient Interconnection for Voice Messaging Services*, 3 FCC Rcd 7284, 7284 (1988) (agreeing with BellSouth that the requirement of enhanced service descriptions in CEI plans is to allow the Commission to understand the utility of the underlying basic services, not to benefit the competitive interests of other ESPs).

CONCLUSION

For the foregoing reasons, BellSouth supports the opposition of Bell Atlantic and SBC to CIX's Petition for Reconsideration and Clarification and urges dismissal of the petition.

Respectfully submitted,

BELLSOUTH CORPORATION

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CERTIFICATE OF SERVICE

I do hereby certify that I have this 27 day of July, 1999 served the following parties to this action with a copy of the foregoing BELLSOUTH REPLY COMMENTS by hand delivery or by placing a true and correct copy of the same in the United States Mail, postage prepaid, addressed to the parties on the attached service list.


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